

1 Magistrate Judge Tsuchida
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08-MJ-00378-CMP

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 ELMER MINORIA NANQUILADA,

13 Defendant.

MAGISTRATE'S DOCKET NO.
CASE NO.

MJ8 - 378

COMPLAINT for VIOLATION

21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(viii)
21 U.S.C. §§ 841(a)(1), 841(b)(1)(C)
18 U.S.C. § 922(g)(1)

14
15 BEFORE United States Magistrate Judge Brian A. Tsuchida, Seattle, Washington.

16 The undersigned complainant being duly sworn states:

17
18 COUNT 1

19 *(Possession of Methamphetamine with Intent to Distribute)*

20 On or about June 30, 2008, in Kent, within the Western District of Washington,
21 ELMER MINORIA NANQUILADA, did knowingly and intentionally possess, with the
22 intent to distribute, methamphetamine, a substance controlled under Title 21, United
23 States Code, Section 812.

24 It is further alleged that the above offense involved five grams or more of
25 methamphetamine, its salts, isomers and salts of its isomers.

26 All in violation of Title 21, United States Code, Sections 841(a)(1) and
27 841(b)(1)(B)(viii).

COUNT 2***(Felon in Possession of a Firearm)***

On or about June 30, 2008, in Kent, within the Western District of Washington, ELMER MINORIA NANQUILADA, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, to wit: *Vehicular Assault*, under cause number 00-1-03631-7, in King County Superior Court, Washington, on September 8, 2000, did knowingly possess, in and affecting interstate and foreign commerce, the following firearms, to wit:

- (a) Springfield Armory, model XD-40, .40 caliber semi-automatic pistol bearing serial number US451394;
- (b) Jennings, model J-22, .22 caliber semi-automatic pistol bearing serial number 704889;
- (c) Springfield Armory, model 1911, .45 caliber semi-automatic pistol bearing serial number WW56894;
- (d) VEPR, .308 WIN caliber semi-automatic rifle, bearing serial number 1997CO7170;
- (e) Maverick, model 88,12-gauge shotgun, bearing serial number MV28019F; and
- (f) Harrington and Richardson, model Topper, 20-gauge shotgun, bearing serial number BB401375;

all of which had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 3***(Possession of Methamphetamine with Intent to Distribute)***

On or about January 17, 2008, in Federal Way, within the Western District of Washington, ELMER MINORIA NANQUILADA, did knowingly and intentionally possess, with the intent to distribute, methamphetamine, a substance controlled under Title 21, United States Code, Section 812.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 4

(Felon in Possession of a Firearm)

On or about January 17, 2008, in Federal Way, within the Western District of Washington, ELMER MINORIA NANQUILADA, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, to wit: *Vehicular Assault*, under cause number 00-1-03631-7, in King County Superior Court, Washington, on September 8, 2000, did knowingly possess, in and affecting interstate and foreign commerce, the following firearms, to wit:

- (a) Para-Ordnance, model P12, .45 caliber semi-automatic pistol bearing serial number QF3612; and
 - (b) COP Inc., .38 SPL/.357 MAG, four-shot pistol bearing serial number 007720;

both of which had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

And the complainant states that this Complaint is based on the following information:

1. I, Jonathan Hansen, am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and I have worked in this capacity since September 1991. In the course of my employment with ATF, I have worked on numerous investigations involving armed drug-trafficking and felons possessing firearms. I have been the case agent on dozens of such cases and have assisted other law enforcement officers on scores of narcotics investigations which involved the possession and/or use of firearms.

2. The information contained in this Complaint is based on information provided to me by other members of law enforcement and my own investigation.

3. On January 17, 2008, at approximately 3:30 a.m., Federal Way Police Department (FWPD) Officer Leitgeb was at the intersection of 16th Avenue South and South 348th Street in Federal Way, Washington, preparing to make a left hand turn onto eastbound State Route 18. While there, Officer Leitgeb noticed that a black 1995 Honda

1 Accord (WA lic. 613WGA) had stopped next to him. His attention was drawn to the
2 Honda due to the fact that it had two blue lights illuminated to the front and a modified
3 exhaust system which caused a loud noise from the muffler. After observing these
4 violations Officer Leitgeb pulled the Honda over, contacted the two occupants inside it,
5 and advised the driver, Elmer Minoria NANQUILADA, why he had been stopped.
6 NANQUILADA explained to Officer Leitgeb that he did not know that the blue lights
7 were illegal and that he thought the modified exhaust system was legal because that was
8 what he had been told by the previous owner of the car. Officer Leitgeb asked for
9 NANQUILADA's license, registration, and proof of insurance. NANQUILADA was
10 unable to provide the registration or proof of insurance, but did hand Officer Leitgeb his
11 license and advised the officer that his license was suspended. While running a routine
12 records check, Officer Leitgeb confirmed that NANQUILADA's license was suspended
13 and learned that NANQUILADA was a convicted felon and that he had a warrant out for
14 his arrest. During this time two additional vehicles had pulled over in front of
15 NANQUILADA's Honda. Due to the presence of these additional vehicles/individuals
16 Officer Leitgeb called for additional officers. Shortly thereafter, FWPD Officers Martin
17 and Schmidt arrived. Once the other officers arrived NANQUILADA was taken into
18 custody, searched incident to arrest, and placed in the back of a patrol car.

19 4. Officer Leitgeb then returned to the Honda and explained to the passenger
20 that the vehicle was going to be searched and that he was free to leave. After being so
21 advised, the passenger entered one of the vehicles that had pulled over in front of
22 NANQUILADA's Honda and left the scene.

23 5. Officer Leitgeb then began searching NANQUILADA's Honda incident to
24 arrest. Inside the center console Officer Leitgeb found a pistol, loaded with four .38
25 caliber hollow point bullets. This firearm was a COP Inc., .38 SPL/.357 MAG, four-shot
26 pistol bearing serial number 007720. Upon finding the firearm, and having previously
27 learned that NANQUILADA was a convicted felon, Officer Leitgeb recontacted
28 NANQUILADA and advised him of his Miranda rights which NANQUILADA stated he

1 understood. Officer Leitgeb then asked NANQUILADA if he used the gun for self
 2 defense and NANQUILADA said, "No." NANQUILADA then paused for a second and
 3 quickly added "What gun, I don't know what you're talking about." When asked again
 4 about the gun NANQUILADA simply stated, "If you're gonna charge me with something
 5 then just do it."

6 6. While Officer Leitgeb was talking to NANQUILADA about the gun,
 7 FWPD Officer Schwan and his canine partner, Caleb, arrived and assisted in the search of
 8 NANQUILADA's Honda. During the search of the Honda's interior another handgun
 9 was found inside the center console. This handgun was a Para-Ordnance, model P12, .45
 10 caliber semi-automatic pistol bearing serial number QF3612. When contacted again, and
 11 upon being asked about the two guns in the console, NANQUILADA told Officer
 12 Leitgeb that the car belonged to his mother and that the guns must belong to her.
 13 Through additional investigation it was learned that the Honda was registered to an
 14 individual by the name of Victor Handburgh and that a report of sale had been filed with
 15 the Department of Licensing, indicating that Handburgh sold the Honda to
 16 NANQUILADA on August 26, 2007. Moreover, the first gun recovered from the center
 17 console (the COP Inc., .38 SPL/.357 MAG, four-shot pistol bearing serial number
 18 007720) fit the holster attached to NANQUILADA's belt.

19 7. As the search of the Honda continued Caleb alerted on a small zippered
 20 pouch located between the driver's seat and the center console. The zippered pouch was
 21 recovered and contained approximately 5.2 grams of suspected methamphetamine (field-
 22 tested positive). NANQUILADA denied the methamphetamine was his but never
 23 explained who it might belong to and specifically stated that it did not belong to the male
 24 passenger who had left the scene.

25 8. Other items found during the search of the Honda's interior included a
 26 butterfly knife and a wallet in the driver's side door. Inside the wallet was a driver's
 27 license belonging to James Aguero and two identification cards. Interestingly, one of the
 28 identification cards included a photograph of James Aguero but the name of Jerrod

1 Walker. NANQUILADA denied knowing who the wallet belonged to. Numerous other
 2 knives and a collapsible baton were also located throughout the car. In addition, a winter
 3 ski mask was located near the center console.

4 9. During the search of the Honda's exterior Caleb alerted on the right rear
 5 wheel well. Officer Schwan made a couple of attempts to search that area but was unable
 6 to do so at the scene. During this time Officer Leitgeb noticed that NANQUILADA
 7 seemed particularly interested in Caleb's search and became especially nervous when
 8 Caleb focused his attention on the Honda's rear wheel well. Officer Leitgeb asked
 9 NANQUILADA if he wanted to tell him about anything that might be hidden in the car
 10 and NANQUILADA stared up at the patrol car's ceiling and stated, "No, we're done
 11 talking." As a result of the drugs already found within the vehicle and Caleb's interest in
 12 the rear wheel well the officers decided to seize the Honda so that they could apply for a
 13 search warrant and conduct a more thorough search of the vehicle and/or any potential
 14 hidden compartments.

15 10. Later that day FWPD Detective Klingele applied for, and received, a search
 16 warrant for NANQUILADA's Honda. Officer Schwan and his canine partner Caleb
 17 again assisted in the search. No additional items of evidence or contraband were located
 18 in the interior of the vehicle. Caleb, however, continued to alert on the right rear wheel
 19 well and, upon closer inspection, they found a loose panel but no items of contraband
 20 were located.

21 11. On January 22, 2008, NANQUILADA was charged in King County
 22 Superior Court with the crimes of *unlawful possession of a firearm in the first degree* and
 23 *possession of methamphetamine*. NANQUILADA subsequently failed to appear for a
 24 pretrial hearing on June 20, 2008, and a warrant was issued for his arrest.

25 12. On June 30, 2008, United States Marshals (USM) Pineda and McCauley
 26 received information that NANQUILADA was staying in an apartment within the
 27 Sterling Ridge apartment complex in Kent, Washington (11328 SE Kent Kangley Road,
 28 #G-302, Kent, Washington). Acting on that information they drove to the complex and

1 showed a photograph of NANQUILADA to the manager who confirmed that he was
2 currently staying in the apartment. About an hour later, at approximately 3:45 p.m.,
3 USM Pineda and McCauley saw NANQUILADA leave apartment G-302 and drive away.
4 They followed NANQUILADA and requested the assistance of local law enforcement
5 officers to make the arrest. Kent Police Department (KPD) Officers Eaton and Korus
6 responded and arrested NANQUILADA as he attempted to leave the 7-11 parking lot
7 located at 10610 SE Kent Kangley Road, Kent, Washington. NANQUILADA was
8 driving a 1995 gray Honda Accord (WA lic. 554RLR) when he was arrested.

9 13. During a search of NANQUILADA's person incident to arrest the officers
10 found close to \$900 of United States currency. Inside NANQUILADA's wallet they
11 found three credit cards and a Costco card belonging to four separate individuals. An
12 officer later confirmed that one of the credit cards (the card belonging to Charles Royer)
13 had previously been reported stolen and subsequently used to make unauthorized
14 purchases.

15 14. During a search of NANQUILADA's Honda Officer Korus found a green
16 bag sitting on the front passenger seat near the center console. Inside one of the bags
17 exterior pouches he found an envelope that contained \$730 of counterfeit currency,
18 consisting of 17 separate \$10 bills and 28 separate \$20 bills. The officer concluded it was
19 counterfeit due to the absence of any watermarks and security strips and the fact that
20 many of bills had matching serial numbers. Due to the presence of the counterfeit
21 currency, as well as the fact that drugs and firearms were found in NANQUILADA's
22 vehicle during his arrest in January, FWPD Officer Schwan and his canine partner, Caleb,
23 responded to the scene and assisted in the search. Caleb immediately alerted on the green
24 bag and inside it the officers found a cylindrical tube that contained approximately 105
25 grams of suspected methamphetamine (field-tested positive) separately packaged into
26 three equal amounts (approximately one ounce each). Also inside the green bag were two
27 firearms. One of the firearms was Springfield Armory, model XD-40, .40 caliber semi-
28 automatic pistol bearing serial number US451394 and the other was a Jennings, model 22,

.22 caliber semi-automatic pistol bearing serial number 704889. Both handguns were loaded and it was learned later that each had been stolen. Also inside the green bag was approximately 4.1 grams of marijuana, a digital scale, a measuring spoon, numerous small plastic bags, a large butterfly knife, and a neck wallet containing the identification cards for two different individuals, one of which was a temporary Washington driver's licence that clearly had been altered (the text was not consistent in size or font). In addition, the officers found numerous rolls of United States currency totaling \$18,439 and a digital camera that contained pictures of NANQUILADA inside the green bag as well.

As the search of the interior continued, Officer Schwan located a black bag under the rear portion of the front passenger seat. This bag contained approximately 23.2 grams of methamphetamine (field-tested positive), some small plastic baggies and a small metal spoon. In the trunk, Officer Eaton located a locked box. The box was left in the Honda which was impounded and seized. The locked box was later searched pursuant to a warrant prepared by KPD Detective Johnson. Inside the locked box was over \$15,525 in United States currency, along with a VISA credit card and three checks from US Bank in NANQUILADA's name.

NANQUILADA was later questioned by KPD Detective Grove and KPD Lieutenant Thomas after being advised of his Miranda rights. NANQUILADA admitted that the HONDA belonged to him, stating that he had owned the vehicle for several months. When asked why he was carrying the two guns in the bag next to him in the car when he was arrested NANQUILADA initially said he thought they were in the rear of the vehicle but then quickly denied any knowledge of them. Detective Grove then informed NANQUILADA that inside the same bag where the firearms were found was a digital camera that contained pictures of him. NANQUILADA admitted the camera and the bag belonged to him but continued to deny any knowledge of the guns. NANQUILADA also denied any knowledge of the methamphetamine that was recovered from the bag. When asked about the \$730 in counterfeit currency he stated that the money belonged to him but that he had no knowledge that it was counterfeit -- it should

1 be noted that just nine days earlier NANQUILADA had been contacted by two KPD
2 officers after he attempted to pay for some groceries with three counterfeit \$20 bills.
3 Detective Grove then asked NANQUILADA when he placed the bag into the vehicle and
4 NANQUILADA told them that he had taken it from the apartment and put it into his
5 Honda just prior to his arrest. When asked if he thought the bag was unusually heavy due
6 to the presence of the two firearms and the large amount of methamphetamine, he
7 explained that it did not feel heavy to him. At no point during the conversation could
8 NANQUILADA explain how the guns, drugs and money got into his bag.

9 17. While Detective Grove and Lieutenant Thomas were questioning
10 NANQUILADA, Detective Johnson prepared a search warrant for 11328 SE Kent
11 Kangley Road, #G-302, Kent, Washington -- the apartment NANQUILADA had departed
12 from shortly before being arrested. The search warrant was executed just after midnight
13 (on July 1, 2008). Upon entering the apartment Detective Grove spoke with Kristan
14 Plumlee. Plumlee explained that she lived in the apartment with her ex-boyfriend,
15 NANQUILADA, and their infant daughter Miracle. Plumlee explained that
16 NANQUILADA had been staying at the apartment off and on since their break up but
17 that recently he had been spending every night in the apartment. Plumlee was aware that
18 NANQUILADA had been arrested earlier that day and that he had been found with
19 multiple ounces of "ice" (methamphetamine). She explained to Detective Grove that
20 NANQUILADA always carried his drugs and money with him because he did not trust
21 her enough to leave them at home.

22 18. The apartment itself consisted of a kitchen, living room, bathroom and two
23 bedrooms. One of the bedrooms appeared to be used as a den due to the fact that it
24 contained two desks with a computer set up on each desk. The other bedroom appeared
25 to be shared by Plumlee, NANQUILADA and their infant daughter as it contained a bed,
26 a crib, three dressers, and a file cabinet,

27 19. Detective Johnson and Officer Riener searched the bedroom/den. During
28 the search Detective Johnson located approximately 20.7 grams of methamphetamine

1 (field-tested positive), numerous plastic baggies commonly used to package drugs for
2 sale, a scale and other drug paraphernalia inside a set of drawers on the northwest side of
3 the room. In addition, Detective Johnson also located additional counterfeit \$10 and \$20
4 bills which had the same serial numbers as the ones recovered at the time of
5 NANQUILADA's arrest. To the east of these drawers was a desk and Detective Johnson
6 and Officer Riener noticed that whoever had been operating the computer had been
7 googling a subject by the name of Lindsay Grindy. Personal documents in Grindy's name
8 were later located by Officer Riener in the room. On the other desk, Detective Johnson
9 located a prescription pill bottle in another individual's name which appeared to contain
10 hydrocodone pills. Also recovered from that desk was an assortment of ammunition and
11 documents of dominion and control in NANQUILADA's name. One of the documents
12 was a rental receipt in NANQUILADA's name related to storage unit C-133 at U-Store
13 Self Storage located at 301 Novak Lane, Kent, Washington. Meanwhile Officer Riener
14 located two magazines that contained .45 caliber ammunition on top of one of the desks,
15 as well as two shotguns inside the closet. One was a Maverick, model 88,12-gauge
16 shotgun, bearing serial number MV28019F and the other was a Harrington and
17 Richardson, model Topper , 20-gauge shotgun, bearing serial number BB401375. The
18 Maverick, model 88,12-gauge shotgun, bearing serial number MV28019F was loaded
19 with numerous shells. Also inside the closet was a tub which contained numerous
20 documents in the names of NANQUILADA and Plumlee. Of particular interest, in light
21 of the amount of money (in excess of \$34,000) which had been located on
22 NANQUILADA and in his car, was a document signed by NANQUILADA and filed
23 with the court which indicated that he had an average monthly income of \$1,050 and that
24 his average monthly expenses totaled \$900.

25 20. The master bedroom was searched by KPD Detectives Hemmen and Grove.
26 Detective Grove found a loaded Springfield Armory, model 1911, .45 caliber semi-
27 automatic pistol bearing serial number WW56894 in a dresser drawer that contained both
28 men's and women's clothing. Detective Grove also found numerous pipes used to ingest

1 methamphetamine and marijuana in a separate drawer that also contained a purse with a
2 credit card in Plumlee's name. In a separate dresser he found several additional
3 counterfeit \$20 bills in a drawer that contained female undergarments. In the south closet
4 Detective Hemmen located notebooks which contained NANQUILADA's name. Also in
5 these notebooks were written instructions on how credit card numbers are made, how to
6 send money by wire to a European bank, and how to make ID cards. Examples of the
7 headings on other pages included "HACKIN\CRACKIN & STUFF," "GOOGLE
8 HACKING," "Top 10 Passwords used are," "User names most used," and "worlds best
9 hack sit resources." There were also pages that included lists of names, dates of birth and
10 social security numbers. In a filing cabinet they found credit cards, checkbooks, social
11 security cards in many different individuals' names, as well as a military identification
12 card in the name of Charles Royer (an individual whose credit card was found in
13 NANQUILADA's wallet at the time of his arrest). Documents in NANQUILADA's
14 name were also found in the filing cabinet and many other locations within the master
15 bedroom. In the northwest closet of the master bedroom Detective Hemmen located two
16 rifle cases. One contained two wallets that contained items in NANQUILADA's name,
17 as well as two credit cards in two other individual's names. In the other rifle case he
18 found a VEPR, .308 WIN caliber semi-automatic rifle, bearing serial number
19 1997CO7170 and two magazines containing .308 caliber ammunition.

20 21. After completing the search of the apartment, Detective Johnson obtained a
21 search warrant for the storage unit they had found paperwork for during the search of the
22 apartment (storage unit C-133 at U-Store Self Storage located at 301 Novak Lane, Kent,
23 Washington). Prior to obtaining the warrant Officer Riener spoke to the on-site manager
24 who confirmed that NANQUILADA was the current renter of the unit. In addition,
25 Officer Riener was told that NANQUILADA made frequent visits to the storage unit, the
26 most recent being on June 24, 2008, and that he usually had others with him when he
27 came. Detective Grove and Officer Rossmeier assisted in the execution of the warrant.
28 Inside the storage unit they found an assortment of ammunition, drug paraphernalia, a

triple beam scale, packaging materials and documents of dominion and control belonging to NANQUILADA. These items were seized. They also found construction equipment, painting equipment, auto parts, and numerous electronic devices such as DVD players, stereo systems, computers, MP3 players, IPODS and other similar items, some of which were still in their original packaging. None of these items were seized since they had not been reported stolen. It is suspected, however, that many of these items were likely given to NANQUILADA in exchange for drugs or were purchased using other individuals' stolen identities.

22. On August 21, 2008, I physically examined the following eight firearms:

Found on January 17, 2008 inside center console of black 1995 Honda

- (a) Para-Ordnance, model P12, .45 caliber semi-automatic pistol bearing serial number QF3612; and
 - (b) COP Inc., .38 SPL/.357 MAG, four-shot pistol bearing serial number 007720;

Found on June 30, 2008, inside green bag found in gray 1995 Honda

- (a) Springfield Armory, model XD-40, .40 caliber semi-automatic pistol bearing serial number US451394;
 - (b) Jennings, model J-22, .22 caliber semi-automatic pistol bearing serial number 704889;

Found on July 1, 2008, inside apartment G-302

- (a) Springfield Armory, model 1911, .45 caliber semi-automatic pistol bearing serial number WW56894;
 - (b) VEPR, .308 WIN caliber semi-automatic rifle, bearing serial number 1997CO7170;
 - (c) Maverick, model 88,12-gauge shotgun, bearing serial number MV28019F; and
 - (d) Harrington and Richardson, model Topper, 20-gauge shotgun, bearing serial number BB401375;

Based on my knowledge and background, I have determined that each of the weapons described above qualified as a “firearm” under Title 18, United States Code, Section 921(a)(3). In addition, based on my knowledge and experience, I have determined that each of the firearms were not manufactured in the State of Washington. As a result, each

1 of the firearms must have traveled in, and thereby affected, interstate or foreign
2 commerce, in order to be received and/or possessed in the State of Washington.

3 23. I have also personally reviewed certified court documents which confirm
4 that Elmer Minoria NANQUILADA has been convicted of the crime of *Vehicular*
5 *Assault*, under cause number 00-1-03631-7, in King County Superior Court, Washington,
6 on September 8, 2000. This crime was punishable by a term of imprisonment exceeding
7 one year.

8 24. Based on the foregoing, I submit that probable cause exists to believe that
9 Elmer Minoria NANQUILADA committed the crimes *of possession of methamphetamine*
10 *with the intent to distribute and felon in possession of a firearm* on January 17, 2008, and
11 on June 30, 2008.

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Jonathan Hansen, Complainant
ATF Special Agent

17 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
18 presence, the Court hereby finds that there is probable cause to believe the defendant
19 committed the offenses set forth in the Complaint.

DATED this 22nd day of August, 2008.

BRIAN A. TSUCHIDA
United States Magistrate Judge